

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

America's Collectibles Network, Inc.

Plaintiff,

v.

The Jewelry Channel, Inc. USA
d/b/a Liquidation Channel,

Defendant.

No.: 3:13-CV-334-PLR-HBG

Memorandum Opinion

This matter comes before the Court on the defendant's motion to dismiss for lack of subject-matter jurisdiction. [R. 50]. In a related case, America's Collectibles Network ("ANC") asserted patent infringement claims against the Genuine Gemstone Company based on U.S. Patent No. 8,370,211 (the "211 Patent"). [*America's Collectibles Network, Inc. v. The Genuine Gemstone Co., Ltd.*, Case No. 3:13-cv-335-PLR-HBG]. In that case, this Court dismissed ACN's complaint for lack of standing, finding that ACN failed to establish its ownership of the 211 Patent. [Genuine Gemstone Case, R. 109].

In this case, ACN's complaint is also premised on its ownership of the 211 Patent. Accordingly, the defendant moves to dismiss this case in its entirety for lack of subject-matter jurisdiction. In response, ACN agreed to dismiss its case, without prejudice, with right to re-file should ACN's ownership to the 211 Patent "be determined in its favor." [R. 51].

Accordingly, the defendant's motion to dismiss [R. 50] is **Granted**. ACN's first amended complaint [R. 18] is **Dismissed without prejudice**.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE